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SUBJECT: PRESIDENT DISBANDS MARCH 1 FACT-FINDING GROUP

REF: 08 YEREVAN 865

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SUMMARY

¶1. (SBU) Without explaining his decision, President Sargsian on June 8 disbanded the bipartisan fact-finding group of experts he had established last October to examine the violence surrounding Armenia's disputed 2008 presidential election. The decision came on the heels of a June 3 statement by a presidential spokesman that the "members of the Fact-Finding Group have unfortunately failed to rid themselves of their political agendas and to act as truly independent experts." The move also followed the recent resignation of three of the group's five bipartisan members, as well as reports of mounting tension between them. Insiders tell us, however, that the decision was likely made in response to the group's uncomfortably deep probing and imminent publication of reports pointing to government culpability for the violence. In the wake of the decision, the ad hoc Parliamentary commission that the fact-finding group was advising urged appropriate bodies to submit information to it by July 1, and announced the commission would incorporate that information in its final report, expected this summer. END SUMMARY.

PRESIDENT ANNULS OWN EXECUTIVE ORDER

¶2. (SBU) In a short statement released June 8, President Sargsian annulled his October 2008 executive order establishing the "Fact-Finding Group of Experts" tasked to study the fatal post-election violence of March 1-2, 2008. Sargsian had created the bipartisan five-member body last October in response to international criticism that the composition of the ad hoc Parliamentary commission launched by the authorities in June was biased in favor of the government.

¶3. (SBU) The annulment of the executive order came on the heels of a June 3 statement by a presidential spokesman that "time has shown that members of the Fact-Finding Group have unfortunately failed to rid themselves of their political agendas and to act as truly independent experts." On June 8, the ad hoc Parliamentary commission urged NGOs, political parties, and the opposition Armenian National Congress to submit "all facts and information regarding the events of March 1-2" by July 1. The commission said it would incorporate this information into its final report, to be released this summer.

TENSIONS, RESIGNATIONS BEFORE THE TERMINATION

¶4. (SBU) Tensions between members of the fact-finding group -- two pro-government, two pro-opposition, and one from the office of Armenia's Human Rights Defender (Ombudsman) -- reached a boil following the release in late April of the group's first report, which challenged official accounts of a police officer's death on March 1. Three more reports -- all likely to contradict the official version of events -- had been completed and were ready for release.

¶5. (SBU) The mounting tensions resulted in the effective end of the group's work in early May, when the Ombudsman's appointee and the two pro-government members decided to take a two-week vacation. When asked by Emboffs about the "vacation," the Ombudsman said that his appointee, Vahe Stepanian, felt "caught between two fires," and could not bear it any longer.

¶6. (SBU) On May 5, the opposition alleged that the three members' sudden vacation was the result of pressure by the authorities in an attempt to derail the inquiry. They noted that the vacations were announced shortly after the group had presented the results of its first report, on the death of the policeman Hamlet Tadevosian -- one of the two policemen killed on March 1 -- to the Parliamentary commission. The opposition also alleged that the break constituted a de facto suspension of the group's activities.

¶7. (SBU) When the group reconvened on June 3, Stepanian announced he was resigning from the body. This followed the May 29 announcement by Robert Avagian, one of the two pro-government appointees, that he intended to resign. The other pro-government appointee, Gevorg Tovmasian, had previously stopped participating in the group. The flurry of resignations had left the group with only two members, both from the opposition.

CAUGHT BETWEEN POLITICAL FACTIONS

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¶8. (SBU) According to opposition contacts, political conflict had been raging within the fact-finding group ever since its creation on October 23, 2008 (reftel). The opposition claimed that the two pro-government appointees repeatedly sought to obstruct the group's work at every turn. Samvel Nikoyan (protect) of the ruling Republican Party and Chairperson of the ad hoc Parliamentary commission told Emboffs in early June that it would be extremely unfortunate were the fact-finding group to stop functioning. When the group sent its findings to the ad hoc Parliamentary commission, Nikoyan said, he would have been able to include them in his final report without drawing blame from his Republican colleagues.

FIRST REPORT DISPUTES POLICE FINDING

¶9. (SBU) The fact-finding group's first report, leaked to the press in April, disputed the official version of the death of policeman Hamlet Tadevosian. Officials had contended that Tadevosian was killed by an explosive device thrown by one of the opposition protesters. The group's report, which was not signed by the two pro-government members, asserted that investigators failed to properly examine the officer's body, clothes and flak jacket, and argued that Tadevosian most likely inadvertently blew himself up with his own grenade. (Note and Comment: The Ombudsman's representative confirmed to us that the fact-finding group had prepared documentation to support its conclusions, but had yet to present these to the ad hoc Parliamentary commission. It is rumored that the leakage of the first report and the prospect of more damning material in the pipeline was the main reason the group imploded. End Note and Comment.)

OMBUDSMAN DENIES COLLUDING WITH AUTHORITIES

¶10. (SBU) The opposition has also accused the Ombudsman of colluding with the authorities to torpedo the fact-finding group's work. The Ombudsman told Emboffs, however, that his representative had become increasingly frustrated by the tensions within the group, and on several prior occasions had to be talked out of quitting. The Ombudsman also denied ANC accusations that Stepanian's resignation had been coordinated with the ruling coalition. On May 30 the opposition Heritage Party and the ANC released a statement blaming the Ombudsman and the authorities for working together in an attempt to hamper the activities of the group.

¶11. (SBU) On June 1, the Ombudsman accused the authorities and the opposition of using the fact-finding group for their political ends. He strongly denied hindering the group's activities, and said he was planning to propose a new representative. This time, the Ombudsman vowed, his representative would be a person better equipped to handle the rough and tumble of the group. "One person cannot play chess if the other four are instructed to play rugby. The reason for the absence of an expert atmosphere in the group is not because of the representative of the Defender, but the representatives of political forces," he said.

COMMENT

¶12. (SBU) An independent investigation of the March 1-2 events was unlikely to ever reflect well on the GOAM's actions on those days. It seems clear that the GOAM, which was never enthusiastic about the fact-finding commission and created it under pressure from the Council of Europe's Human Rights Commissioner, sought to undermine its work from the outset. The ANC's repeated attacks on the Ombudsman, who in our view was trying to play a constructive role, further politicized the atmosphere within the group. The work of the ad hoc Parliamentary commission has been one of the few bright spots from the GOAM in the wake of the March 1-2 events, and the fact-finding group had the potential to enhance the Commission's efforts. It is unfortunate that the group apparently came to be seen as a political liability for the authorities, and has now been shut down.

YOVANOVITCH